



H.R. 6344 – THE RESPONSIVE GOVERNMENT ACT OF 2008

FLOOR SITUATION

H.R. 6344 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative William Delahunt (D-MA) on June 23, 2008. The resolution was referred to the House Committee on the Judiciary, but was never considered.

H.R. 6344 is expected to be considered on the floor of the House on June 23, 2008.

SUMMARY

Tolling in District Courts

In the event of a natural disaster or another emergency situation that requires the closure of courts or makes it impracticable for litigants to comply with deadlines imposed by Federal or State law, H.R. 6344 provides the chief judge of a district court with the authority to enter the necessary orders to delay, toll, or otherwise grant relief from deadlines for an appropriate period. If there is no district court chief judge available, then the senior-most active serving district judge will have such authority.

These provisions are applicable to criminal and juvenile proceedings (including prearrest, post-arrest, pretrial, trial, and post trial procedures, but not to any statute of limitation involving criminal or civil action arising under State law).

Habeas Corpus

Nothing in H.R. 6344 suspends the writ of habeas corpus.

Tolling in Courts of Appeals

Under the same emergency circumstances previously mentioned, the authority to exercise the same emergency authority is granted to the chief judge of a district court of appeals. The senior-most active serving circuit judge will have such authority in the absence of the chief judge of a district court of appeals.

Issuance of orders by the Attorney General

The bill allows the Attorney General to request that the issuance of an order be made in a pending matter.

Duration of emergency orders

No order entered under these emergency circumstances may not extend past 14 days, unless it is determined by the chief judge that the emergency situation requires additional time extensions and the judicial council of a circuit agrees that time extensions are needed.

Publicizing of orders and reporting

A court issuing emergency orders is to take reasonable efforts to publicize these orders on the websites of all affected courts. Additionally, courts issuing such emergency orders must send notice of these orders to Congress through the Director of the Administrative Offices of U.S. Courts.

Additionally, courts issuing such emergency orders must report to Congress within 180 days describing the reasons for issuing the orders, the duration of the orders, the effects of the orders on the litigants, and the costs to the judiciary resulting from the orders.

Waiver of Patent and Trademark Requirements



LEGISLATIVE DIGEST

HOUSE REPUBLICAN CONFERENCE | CHAIRMAN ADAM PUTNAM

1420 LONGWORTH HOB, WASHINGTON, DC 20515

www.GOP.gov

PHONE 202.225.5107

FAX 202.226.0154

Under the legislation, the Director of the Patent and Trademark Office may waive statutory provisions governing the filing, processing, registration, application for, renewal, and maintenance of patents and trademarks. Decisions to forego the exercise of waiver authority in these patent and trademark processes is not subject to judicial review.

Additionally, the bill allows the Director the discretion to accept an application for additional patent terms after the statutory deadline for submission of the necessary paperwork has lapsed.

BACKGROUND

Deadlines for filing official material with federal courts are mandated by federal statute. These deadlines may not be waived by judges or federal officials, according to current law. This legislation would grant such authority to district court judges, in the case of emergencies that require the temporary closing of courts.

In addition, the Patent and Trademark Office has similar statutory filing deadlines. In the case of an emergency or major disaster, as outlined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100-707), the Director may waive such provisions. Examples of such events include hurricanes, floods, and tornadoes, as well as whenever the President declares that Federal assistance is needed to supplement State and local emergency recovery efforts.

COST

The Congressional Budget Office did not have a cost estimate available for H.R. 6344 as of June 23, 2008.

STAFF CONTACT

For questions or further information contact Justin Hanson at (202) 226-2302.